

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

This Amendment is in response to the Final Office Action mailed on January 31, 2005, 2005. Claims 1-4, 6, and 12 are pending in the Application and stand rejected. Claims 1, 6, and 12 are amended by the present Amendment.

In the outstanding Office Action Claims 1-4, 6, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffart et al. (U.S. Patent No. 5,796,905, hereinafter "Hoffart") and further in view of Stocklein et al. (U.S. Patent No. 6,278,828 B1, hereinafter "Stocklein").

Applicants respectfully submit that Hoffart, and Stocklein, neither individually nor in any combination, support a *prima facie* case of obviousness of the invention recited in Claims 1 and 12. This is so because, even when combined, these references do not teach or suggest all the claimed features.

Presently amended Claims 1 and 12 recite, among other features, a plurality of distinctive layers, disposed intermittently *in a longitudinal direction* of an optical fiber core between the optical fiber core and the colored layer, *each distinctive layer comprising fine drops of ink and taking a substantial linear shape, wherein a ratio of a total length of the distinctive layers to a length of the distinctive optical fiber is less than or equal to 1:5.*

The present invention focuses on a distinctive optical fiber having a multi-distinctive function and low transmission losses.¹ A ratio of a total length of the distinctive layers to a length of the distinctive optical giber is set to be less than or equal to 1:5 (see, as a non-limiting example, the results of Experiment 4). As previously explained, a ratio higher than 1:5 can result in undesirable transmission losses. It should be noted that the distinctive layers

¹ Applicants' original Figure 9, as well as from page 17, line 18 to page 18, line 9, of Applicants' originally filed specification.

are disposed intermittently in a longitudinal direction of the optical fiber core between the optical fiber core and the colored layer, each distinctive layer comprising fine drops of ink and taking a substantial linear shape (see, for example, the non-limiting embodiment illustrated in FIG. 8B). Claims 1 and 12 have been amended to more clearly recite such a distinctive optical fiber.

Hoffart is directed to an optical fiber with a color marking. As shown in Figure 2 of Hoffart, for example, a color marking in the form of spaced colored rings 3 is placed on a coating 2 composed of one or more plastic coatings to protect a fiber 1. The material of the colored rings 3 is an IR- or UV-curable resin.² Applicants respectfully assert that Hoffart does not teach or suggest, however, the claimed features of (1) a ratio of a total length of layers of ink to a length of an optical fiber is less than or equal to 1:5, and (2) each distinctive layer comprising fine drops of ink, as recited in independent Claims 1 and 12. Rather, Applicants respectfully assert that Hoffart states that the colored rings 3 include a curable resin, rather than ink.

The outstanding Office Action acknowledges that Hoffart fails to teach or disclose the length and interval of the distinctive layer and cites Stocklein as assertedly disclosing rings formed by drops of dye that satisfy the claimed ratio of a total length of the distinctive layers to a length of the distinctive optical fiber less than or equal to the claimed ratio of 1:5. Applicants respectfully disagree.

In Stocklein, the color markings CL1 to CLn have been clearly disclosed as markings that “extend approximately annularly around the outer perimeter of the optical waveguide LW”³ disposed intermittently between the outer coating layer CT2 and the core covering KH,

² Hoffart, col. 3, lines 28-33.

³ See, for example, Stocklein, col. 6, line 67 – col. 7, line 2.

each color marking comprising a UV or PVC color taking a substantial circular shape.⁴ As such, Applicants respectfully submit that the markings in Stocklein are not drops, but rings.

As such, Applicants respectfully submit that Hoffart and Stocklein, neither individually nor in any combination, teach or disclose a distinctive layer comprising fine drops of ink and taking substantial linear shape, wherein a ratio of a total length of the distinctive layers to a length of the distinctive optical fiber in less than or equal to 1:5, as recited in presently amended independent Claims 1 and 12. Thus these references cannot support a *prima facie* case of obviousness of Claims 1 and 12.

Applicants respectfully assert that Claims 2-4 and 6 are allowable for the same reasons as independent Claim 1 from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejections of Claims 1, 2-4, 6, and 12 under 35 U.S.C. § 103(a) be withdrawn.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. § 1.116, which after Final Rejection permits entry of amendments placing the claims in condition for allowance or in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. § 103, the present amendment places the application in condition for allowance or in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to Claims 1 and 12 merely clarify the distinctive layers as drops. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

⁴ *Id.*, col. 7, lines 18 and 19 and FIG. 1.

Application No. 10/614,033

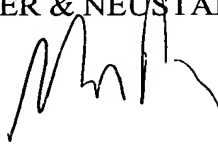
Reply to Office Action of January 31, 2005

condition for formal Allowance. A Notice of Allowance for Claims 1-4, 6, and 12 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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